

ORDINANCE NO. 540

BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF PARKESBURG, CHESTER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 511 OF THE BOROUGH OF PARKESBURG (THE BOROUGH'S STORMWATER MANAGEMENT ORDINANCE), TO ADOPT A DEFINITION "HIGH TUNNEL" AND TO IDENTIFY THE USE THEREOF AS AN AGRICULTURAL RELATED ACTIVITY EXEMPT UPON COMPLIANCE WITH SPECIFIED CONDITIONS

WHEREAS, The Borough of Parkesburg is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed by the Borough Code; and,

WHEREAS, the Borough Council of the Borough of Parkesburg duly enacted Ordinance No. 511 establishing the Ordinance to be known as "The Stormwater Management Ordinance"; and,

WHEREAS, the state legislature has recently enacted Act 15 of 2018 amending the underlying Stormwater Management Act (Act 167) to address "high tunnels" by providing a definition of same and authorizing the use thereof as exempted as agricultural activity pursuant to certain specified conditions; and,

NOW, THEREFORE, in accordance with the foregoing authority, and in order to bring its Ordinance into compliance with State Law, it is hereby ENACTED and ORDAINED, that Ordinance No. 511 of the Borough of Parkesburg Code of Ordinances, (the Borough's Stormwater Management Ordinance), is amended as follows:

Section 1 – Article II, § 202, Definitions, is amended by inserting the following definition:

"High Tunnel - A structure which meets the following:

1. is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," or for the storage of agricultural equipment or supplies; and
2. is constructed with all the following:
 - a. has a metal, wood or plastic frame;
 - b. when covered, has a plastic, woven textile or other flexible covering; and
 - c. has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab."

Section 2 – Article I, § 106 "Exemptions and Modified Requirements" is amended by inserting in Section C. "Exemptions for Specific Activities" under subsection 5 thereof "Agricultural Related Activities " a new exemption, subsection (c) stating in its entirety as follows:

"c. High Tunnels (as defined in Article II), if:

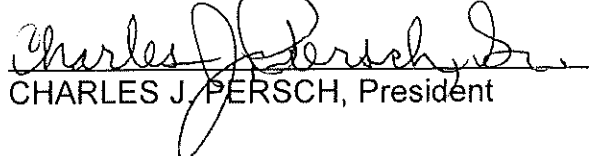
- I. the High Tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owner's total contiguous land area; and
- ii. the High Tunnel meets one of the following:
 - (1) the High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line;
 - (2) the High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road, or neighboring property line and located on land with a slope not greater than 7%; or
 - (3) the High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of this Ordinance."

Section 3

This Ordinance shall be effective as required by the Borough Code thirty (30) days after adoption.

ORDAINED and ENACTED by the Parkesburg Borough Council this 16th day of September, 2019

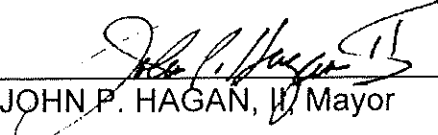
PARKESBURG BOROUGH COUNCIL


CHARLES J. PERSCH, President

ATTEST:


WENDY A. KEEGAN, Secretary

Approved this 16th day of September, 2019


JOHN P. HAGAN, II, Mayor